



20 NOV 2008

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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
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Boston, MA 02111-2950

In re Application of :
WANG *et al* :
U.S. Application No.: 10/581,845 :
PCT No.: PCT/CA04/02082 :
Int. Filing Date: 06 December 2004 :
Priority Date: 04 December 2003 :
Attorney Docket No.: HMI P1191US1 :
For: SYSTEM AND METHOD PROVIDING :
ENHANCED FEATURES FOR :
STREAMING VIDEO-ON-DEMAND :

DECISION

This decision is in response to the papers filed 22 September 2008 which is treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 22 July 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 22 September 2008, applicants filed the renewed petition which was accompanied by, *inter alia*, a declaration executed by two of the five named inventors, a statement of Nick Ringma and Cecilia Lu, and Exhibits A - T.

DISCUSSION

Applicants claim that three of the five named inventors, Meng Wang, Jian Wang and Ying Luo, cannot be located.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuse to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor(s). Item (2) and (4) were not satisfied in the initial petition.

Regarding item (2), petitioners submitted a declaration by Nick Ringma and Cecilia Lu setting forth the facts of their attempts to contact Meng Wang, Jian Wang and Ying Luo. Petitioners also provided documentary evidence as required.

10/581,845

A review of the evidence indicates that petitioners have provided ample evidence showing that a diligent effort was made to locate all three nonsigning inventors. Petitioners detailed their efforts and provided documentary evidence of their searches. This evidence along with the previously filed evidence in the original petition is sufficient to satisfy item (2) of 37 CFR 1.47(a).

Concerning item (4), petitioners included a declaration signed by two of the five joint inventors listed on the international publication. All required information including the nonsigning co-inventors' names, residences, post office addresses and citizenship are typed on the declaration. The declaration is in compliance with 37 CFR 1.497(a) and (b). Item (4) of 37 CFR 1.47(a) is now satisfied.

All items of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 06 December 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 22 September 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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STREAMING VIDEO-ON-DEMAND

Mr. Luo:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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